

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 05-40025-FDS

UNITED STATES OF AMERICA

V.

MATTHEW MARSH

**ASSENTED TO MOTION TO CONTINUE**  
**CHANGE OF PLEA HEARING**

Now comes the Defendant, Matthew Marsh in the above-entitled matter respectfully requests that the change of plea hearing currently scheduled for September 28, 2006 be continued to a date convenient for the court after October 20, 2006. The reasons for this motion are as follows:

1. We are still in the process of negotiating the terms of the plea agreement.
2. There are still some issues with the proposed plea agreement that need to be resolved.
3. I have not had the chance to discuss the proposed plea agreement with my client who is currently incarcerated in the Plymouth County House of Corrections.
4. Plymouth is approximately 2 ½ hours from my office in Springfield, MA and I will need an entire day for travel time and then time to meet with my client.
5. I have been preparing for a first-degree murder trial in the case of *Commonwealth v. Santos Diaz* and have been unable to work out scheduling in order to arrange for a full day to meet with my client at the Plymouth County House of Correction.
6. Once I have discussed the plea agreement with my client and if he agrees with the proposed agreement it will then need to be approved and signed by United States Attorney, Michael Sullivan.
7. I have a trial scheduled to begin on October 12, 2006 in the case of the *State of Connecticut v. Rick Mickle* and expect that this case could last approximately two weeks therefore we are requesting a date after October 20, 2006.

The parties agree that the time period commencing September 8, 2006 through the date the change of plea hearing is held is excludable from the calculation under the Speedy Trial Act.

/s/ Alan J. Black  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the Assistant United States Attorney, Lisa Asiaf on this 25<sup>th</sup> day of September 2006.

/s/ Alan J. Black